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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,538	07/28/2006	Robert Mesaros	US040119US	3815

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EXAMINER

NGUYEN, HIEN NGOC

ART UNIT	PAPER NUMBER
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3768

MAIL DATE	DELIVERY MODE
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08/21/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,538	Applicant(s) MESAROS, ROBERT	
	Examiner HIEN NGUYEN	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/28/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-7 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What is defined as rubber-like material? What material is considered rubber-like material?

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Burris et al. (US 5,924,988).

Burris discloses an ultrasonic diagnostic imaging system comprising:

- an articulating display mount; (see col. 2, lines 1-5 and Fig. 4, element 450).
- a flat panel display having a viewing screen and electrically coupled to the imaging electronics and coupled to the display mount, the flat panel

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display including a peripheral region which can be gripped by a user to reposition the flat panel display, the peripheral region including a first gripping surface on the front of the flat panel display forward of the plane of the viewing screen and a second gripping surface rearward of the plane of the viewing screen; (see col. 1, lines 60-67, col. 2, lines 1-5 and Fig. 6-7)

- the first gripping surface is adapted to be engaged by the thumb when repositioning the flat panel display and the second gripping surface is adapted to be engaged by one or more fingers when repositioning the flat panel display; (see Fig. 6-9 and col. 5, lines 55-65).
- first gripping surface faces to the front of the flat panel display and the second gripping surface faces to the rear of the flat panel display; (see Fig. 8-9 and col. 6, lines 1-12).
- flat panel display further includes a bezel extending about the periphery of the display, wherein the first gripping surface is located on the bezel and the second gripping surface is located behind the bezel; (see col. 6, lines 13-49 and Fig. 6-9).
- at least one of the gripping surfaces is contoured to be engaged by a user; (see col. 5, lines 55-65 and Fig. 4).
- at least one of the gripping surfaces is formed of a pliable material so as to be grippable by a user; (see Fig. 4-6). It is inherent that the gripping surface is formed of a pliable material. Looking at the monitor in Fig. 4-6,

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one can grip the monitor and move it. Monitor or computer case is often producing from rubber and plastic. These are pliable material.

- wherein at least one of the gripping surfaces is textured so as to be grippable by a user; it is inherent that the gripping surfaces has texture so as to be grippable by a user because texture surface is a common design feature of flat panel displace. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987).
- wherein the gripping surface which is textured includes indentations in its surface; (see Fig. 4-6).
- wherein the indentations comprise perforations through an enclosure which further comprise means for ventilating the flat panel display; it is inherent that the indentations comprise perforations through an enclosure for ventilating the flat panel display because this is a common design feature to allow the flat panel to release heat to prevent over heating of the flat panel.
- wherein the gripping surface which is textured includes projections from its surface; (see Fig. 6-7).
- wherein the peripheral extends around all four sides of the flat panel display; (see Fig. 8-10).

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- the flat panel display including: an enclosure enclosing at least the back of the display; (see Fig. 13)
- a bezel located on the front of the display about the peripheral region of the viewing screen; (see Fig. 4, 6-9)
- the bezel including a first gripping surface adapted to be engaged by the thumb of a user when repositioning the flat panel display and a second gripping surface located on a surface of the enclosure opposite the first gripping surface and adapted to be engaged by the fingers of a user when repositioning the flat panel display; (see col. 6, lines 13-49 and Fig. 4, 6-9).
- the first gripping surface is formed of a rubber-like material; it is inherent to produce gripping surface out of rubber-like material because rubber is a commonly use material to produce flat panel display casing for carrying and gripping the display to move it. The casings are either rubber or plastic. Rubber is a type of plastic.
- the first gripping surface is formed of a hard polymer material which is coated with a rubber-like material; it is inherent that the gripping surface is a hard polymer material coated with a rubber-like material because hard polymer and rubber are a commonly use material to produce flat panel display casing for carrying and gripping the display to move it. Rubber is a polymer.

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- the rubber-like material comprises an elastomeric coating; rubber is an elastomer.
- the hard polymer material further comprises a bezel extending around the periphery of the flat panel display; (see col. 5, lines 55-65, col. 6, lines 8-65 and Fig. 4).
- the first gripping surface comprises a pliant, rubber-like material; it is inherent that gripping surface is made of rubber-like material because rubber is a commonly use material to produce flat panel display casing for carrying and gripping the display to move it. Rubber is a pliant material.

Regarding claims 18-20, the system in claims 1-16 performs the method in claims 18-20. Also see Fig. 4 and 6-10.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,669,639.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HIEN NGUYEN whose telephone number is (571)270-7031. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571)272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. N./

Examiner, Art Unit 3768

/Long V Le/

Supervisory Patent Examiner, Art Unit 3768